

REMARKS

The Examiner is thanked for the due consideration given the application. A Declaration is attached to this paper.

Claims 1-13 and 17-21 are pending in the application. Claim 21 is newly presented and generally corresponds to claim 1 but stresses the direct taking of digital information.

Statement of Substance of Interview

The Examiner is thanked for graciously conducting a personal interview with the applicant's representative on September 22, 2009.

During the interview the patentability of the present over MARCUS (U.S. Patent 6,394,494) and BARATELLI (U.S. Patent 6,325,285) was discussed, in which the digital identification technology of the present invention was compared to MARCUS. It was noted that MARCUS starts with an analog picture and must therefore perform an analog-to-digital conversion. In contrast, the present invention takes digital data directly.

By the end of the interview it was agreed that MARCUS does not encompass the independent claims as currently recited and that the secondary reference to BARATELLI is insufficient to make up for the deficiencies of MARCUS.

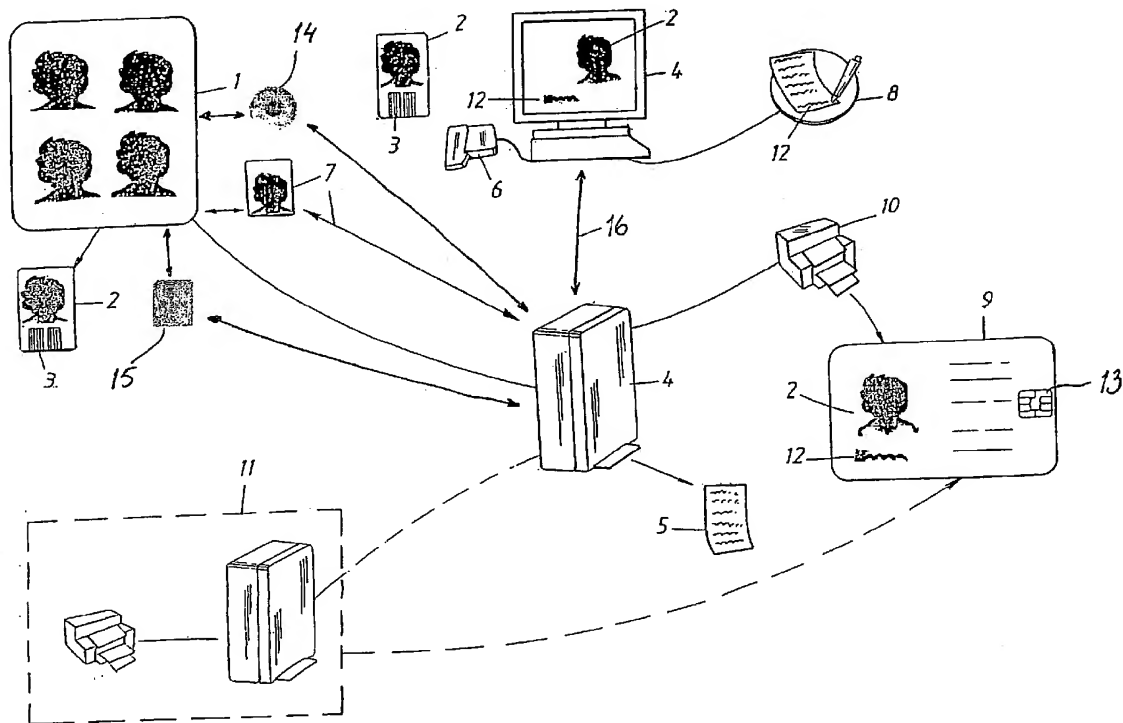
The Examiner was kind enough to make this of record in the Interview Summary, stating: *"The Examiner agrees that Marcus is not sufficient to encompass the independent claims as*

currently recited and the Baratelli is insufficient to make up for the insufficiencies of Marcus."

Rejection Under 35 USC §103(a)

Claims 1-13 have been rejected under 35 USC §103(a) as being unpatentable over MARCUS (U.S. Patent 6,394,494) in view of BARATELLI (U.S. Patent 6,325,285). This rejection is respectfully traversed.

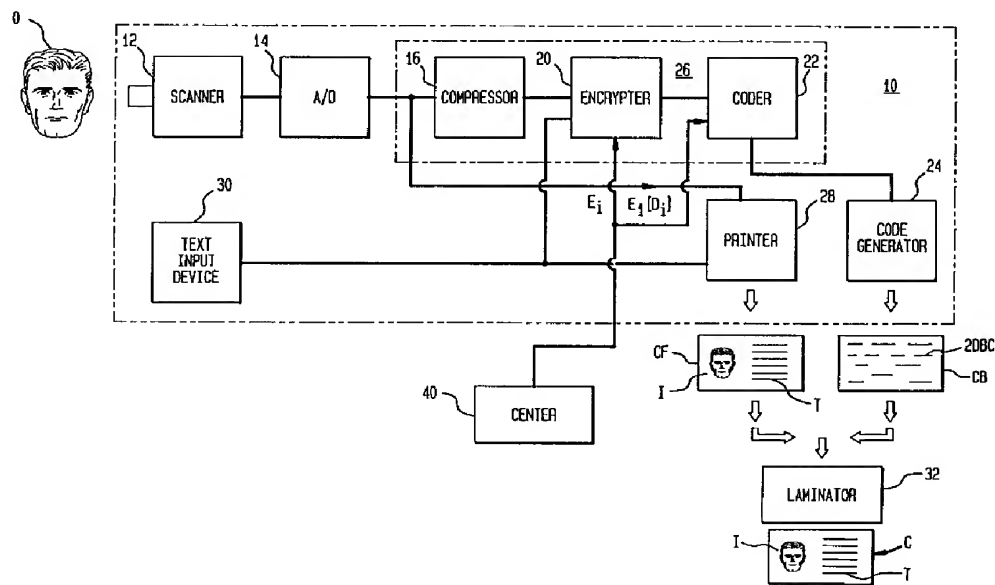
The present invention pertains to a method of producing an ID document that is illustrated, by way of example, in the drawing figure of the application, which is reproduced below.



In the present invention, a photograph (2) is produced in a **digital** form and transferred (7) for direct copying into the ID document (9) while still in its digital form. The present

invention also includes producing in digital form additional information concerning an owner of the ID document (9) in the form of a facial recognition image that is created by software, computer processing the photograph produced in digital form, and transferring the additional information for incorporation in the ID document (9) in an electronic form (13).

MARCUS pertains to an identification card and method and apparatus for producing and authenticating such an identification card. Figure 1 of MARCUS is reproduced below.



One important difference is that the present invention uses a digital camera to take/produce a digital image **directly** of the individual. In contrast, MARCUS uses an **analog** scanning device and thereafter an AD-converter. This is undesirable both from a quality point of view and also from a hardware point of view.

Further, the digital file that is produced by the camera is in turn used to produce **biometric data** (see, e.g., new claims 17-20), that can be used as **additional** information (beside the visual image of the face) to obtain *considerata* that will assist in identifying the individual presenting the ID document. In MARCUS there is no utilization of additional information but a supplementary use of the visual image of the face stored electronically (e.g. bar code) on the ID document.

Furthermore, the system according to the present invention would provide for usage of different kind of apparatuses to assist in controlling the identity of the individual, since biometric data may be controlled by machines (in contrast to the displayed image according to MARCUS).

Regarding BARATELLI, this non-analogous reference relates to a smart card merely using a finger print comparison. BARATELLI does not at all relate to the claims of the present invention.

One of ordinary skill and creativity would thus fail to produce a claimed embodiment of the present invention from a knowledge of MARCUS and BARATELLI. A *prima facie* case of unpatentability has thus not been made.

Additionally, the present invention has enjoyed commercial success that demonstrates the fulfillment of a long-felt yet unmet need.

Since the development of the identification method and system of the present invention, it has enjoyed unprecedented commercial success. A total of 852 machines have been sold throughout the world. A breakdown of the sales is set forth in the table below.

| Country | Customer and Type | Number of Machines |
|------------|---|--------------------|
| Estonia | Estonian Road Administration | 20 |
| | Citizenship and Migration Board | 7 |
| | | |
| Finland | Finnish Police | 1 |
| | Ministry of Foreign Affairs | 2 |
| Germany | Intraproc | 3 |
| Lithuania | Regitra | 23 |
| | ATEA | 201 |
| Luxembourg | Government of the Grand Duchy of Luxembourg | 124 |
| | | |
| Sweden | The National Board of Police | 242 |
| | Swedish Migration Board | 180 |
| | Swedish Tax Agency | 40 |
| | | |
| Ukraine | Interpol | 5 |
| | EDAPS | 4 |

This evidence of commercial success is also set forth in the attached Declaration. A signed Declaration will follow.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

Conclusion

The Examiner is thanked for considering the Information Disclosure Statement filed May 13, 2005 and for making an initialed PTO-1449 Form of record in the application.

Prior art of record but not utilized is believed to be non-pertinent to the instant claims.

It is believed that the rejection has been overcome, obviated or rendered moot, and no issues remain. The Examiner is accordingly respectfully requested to place the application in condition for allowance and to issue a Notice of Allowability.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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